

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY

WYETH and CORDIS CORPORATION,

Plaintiffs,

vs.

ABBOTT LABORATORIES and ABBOTT  
CARDIOVASCULAR SYSTEMS INC., and

BOSTON SCIENTIFIC CORPORATION  
and BOSTON SCIENTIFIC SCIMED, INC.,

Defendants.

WYETH and CORDIS CORPORATION,

Plaintiffs,

vs.

MEDTRONIC, INC. and MEDTRONIC AVE,  
INC., and

ABBOTT LABORATORIES and ABBOTT  
CARDIOVASCULAR SYSTEMS INC.,

Defendants.

Civil Action No. 08-230-JAP-TJB

Judge Joel A. Pisano

Magistrate Judge Tonianne J. Bongiovanni

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WILLIAM T. WALSH  
CLERK

Civil Action No. 08-1021-JAP-TJB

Judge Joel A. Pisano

Magistrate Judge Tonianne J. Bongiovanni

**ORDER TO SEAL**

THIS MATTER having been opened to the Court upon the motion of defendants Abbott Laboratories and Abbott Cardiovascular Systems, Inc. ("Abbott") and Medtronic, Inc. and Medtronic AVE, Inc. ("Medtronic") for entry of an Order pursuant to L.CIV.R. 5.3(c) sealing portions of Abbott's and Medtronic's Reply in Support of their Motion for Leave to File Amended Answers to Add Inequitable Conduct Defenses and Counterclaims as well as Exhibit S and T to the Certification of George C. Jones submitted therewith, and good cause appearing, the

Court makes the following Findings of Fact and Conclusions of Law and issues the following Order To Seal.

1. The Court finds that there is a Stipulation and Protective Order, entered by the Court on May 4, 2009, providing for the confidential treatment of certain sensitive business information produced in the litigation that is designated as “Highly Confidential” or “Confidential” by the producing party.

2. The Court finds that the documents sought to be sealed contain or reference and discuss sensitive business information designated as “Confidential” or “Highly Confidential” by Plaintiffs or Third Parties.

4. The Court agrees that the information sought to be sealed appears to contain sensitive business information that is not known by the general public.

5. The Court further finds that revealing to the public and the parties’ competitors the sensitive business information sought to be sealed would injure the parties’ business interests.

6. The public and private interests in not having the information contained in Plaintiffs’ and Third Parties’ materials made generally available to the public and to others in the medical device industry outweighs any conflicting public interest in disclosure. Under the test set forth by the court in *Pansy v. Borough of Stroudsburg*, 23 F.3d 772 (3d Cir. 1994), this Court therefore determines that the confidential documents that are the subject of Defendants’ Motion To Seal should remain under seal.

**ORDER**

Pursuant to the foregoing Findings of Fact and Conclusions of Law, IT IS HEREBY ORDERED that the redacted portions of Abbott's and Medtronic's Reply in Support of their Motion for Leave to File Amended Answers to Add Inequitable Conduct Defenses and Counterclaims as well as Exhibits S and T to the Certification of George C. Jones submitted with Abbott's and Medtronic's Reply be and remain SEALED in accordance with and pursuant to the provisions of L.CIV.R. 5.3(c).

**SO ORDERED:**

This 7<sup>th</sup> day of February, 2011.

It is further ORDERED that  
the Clerk of the Court terminate  
this Motion [Docket Entry  
No. 236] accordingly.



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**HON. TONIANNE J. BONGIOVANNI**  
United States Magistrate Judge